

Atty. Docket No.: 204231/2055C PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Choong-Chin Liew
Serial No.: 10/809,675
Filed: March 25, 2004
Titled: Method for the Detection of
Osteoarthritis Related Gene Transcripts
in Blood

Examiner: Juliet Switzer

Group Art Unit: 1634

Conf. No.: 8433

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

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Alyson J. Lucas

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**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Dear Sir:

This paper is being filed in response to the Restriction Requirement mailed August 23, 2006. Examiner has restricted the claims into two groups, Group I, Claims 1-33 and 48 and Group II, Claims 34-47. Applicant elects group I, claims 1-33 and 48, and newly added claims 49-57 for prosecution on their merits without traverse.

Examiner has further restricted Group I to require election of a single combination of "one or more" markers from Tables 3O and 3AB on the grounds that the search and examination of all possible groups would pose an enormous burden on the patent office. Applicant has

amended the current claims so as to claim a method of detection of a single gene selected from a group of four elected genes, namely MEOX2, NM_005924; FKBP14, NM_017946; NTN4; NM_021229; and ARFGAP3, NM_014570.

In light of such amendments, Applicant respectfully traverses the restriction requirement requiring an election of a “single combination of one or more markers” on the grounds that search and examination of each of the genes of the group of four genes is not an unreasonable burden on the Examiner or the PTO search resources. In order to be fully responsive to the restriction requirement, however, Applicant elects the marker NTN4; RNA Accession Number NM_021229. Additional comments on this traversal are noted in the Remarks section of this response.

A four month Petition for Extension of Time and the appropriate fee are being filed concurrently with this response to restriction requirement and Amendment. Please charge any necessary fees required in connection with the paper transmitted herewith to Deposit Account No. 04-1105, Reference No.: 204231/2055C. Please enter the following amendments and remarks.

Amendments to the Claims are shown in the “Listing of the Claims” which begins on page 3 of this paper.

Remarks begin on page 5 of this paper.

Please enter the following amendments and remarks.